IN THE CLAIMS
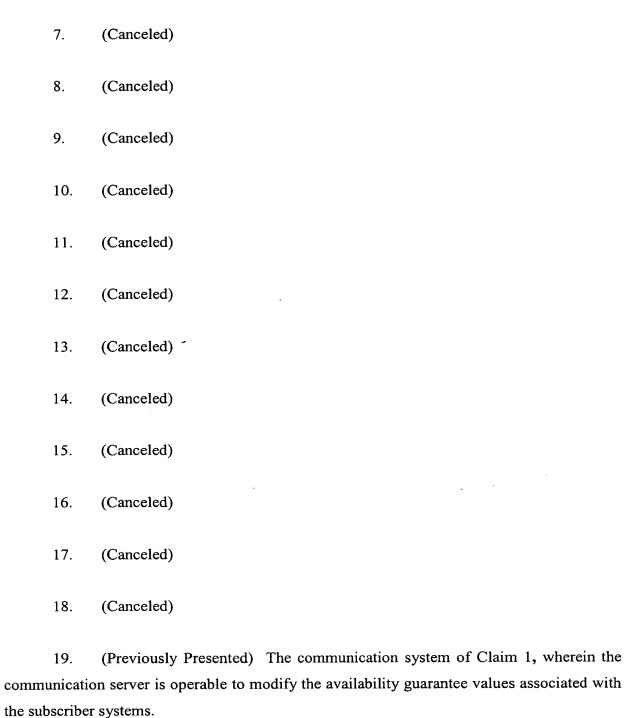
For the convenience of the Examiner, Applicants present all claims whether or not an amendment has been made.

1.   (Currently Amended)   A digital subscriber line (XDSL) communication system, comprising:

a plurality of subscriber systems each having an associated availability guarantee value;

a first pool of modems having a first number of XDSL modems;

a second pool of modems having a second number of XDSL modems; and

a communication server coupled to the plurality of subscriber systems, the first pool of modems, and the second pool of modems, wherein the communication server selectively couples a subscriber system to an available modem in either the first pool of modems or the second pool of modems based upon the availability guarantee value associated with the subscriber ~~system.~~ system;

wherein a first ratio of a number of the subscriber systems having an availability guarantee value specifying the first pool of modems to the first number of modems is smaller than a second ratio of a number of the subscriber systems having an availability guarantee value specifying the second pool of modems to the second number of modems.

2.   (Canceled)

3.   (Currently Amended)   The communication system of ~~Claim 2~~ Claim 1, wherein the first ratio is equal to one.

4.   (Canceled)

5.   (Canceled)

6.   (Canceled)

7.   (Canceled)

8.   (Canceled)

9.   (Canceled)

10.   (Canceled)

11.   (Canceled)

12.   (Canceled)

13.   (Canceled)

14.   (Canceled)

15.   (Canceled)

16.   (Canceled)

17.   (Canceled)

18.   (Canceled)

19.   (Previously Presented)   The communication system of Claim 1, wherein the communication server is operable to modify the availability guarantee values associated with the subscriber systems.

20.   (Previously Presented) The communication system of Claim 19, wherein the communication server is further operable to allocate the modems between the first pool of modems and the second pool of modems in response to the modified availability guarantee values.

21.   (Previously Presented) The communication system of Claim 1, wherein the communication server is operable to modify the availability guarantee value associated with the subscriber system for a single subscriber session.

22.   (Previously Presented) The communication system of Claim 1, wherein the communication server is operable to modify the availability guarantee value associated with the subscriber system for a predetermined time period.

23.   (Previously Presented) The communication system of Claim 1, wherein the communication server is operable to modify the availability guarantee value associated with the subscriber system responsive to a request from the subscriber system.

24.   (Previously Presented) The communication system of Claim 1, wherein the communication server selectively couples the subscriber system to the available modem in response to a request for service from the subscriber system.

25.   (Currently amended) A method for providing digital subscriber line (XDSL) services comprising:

determining an availability guarantee value assigned to a subscriber;

selecting one of a first modem pool and a second modem pool based on the availability guarantee value, wherein the first modem pool comprises a first plurality of XDSL modems and the second modem pool comprises a second plurality of XDSL modems; and

coupling the subscriber to a modem in the selected modem ~~pool.~~ pool;

wherein a first ratio of a number of subscriber systems having an availability guarantee value specifying the first pool of modems to the first number of modems is smaller than a second ratio of a number subscriber systems having an availability guarantee value specifying the second pool of modems to the second number of modems.

26.   (Previously Presented) The method of Claim 25, further comprising receiving a request for XDSL service from the subscriber.

27.   (Canceled)

28.   (Currently Amended) The method of ~~Claim 27~~ Claim 25, wherein the first ratio is equal to one.

29.   (Previously Presented) The method of Claim 25, further comprising modifying the availability guarantee value associated with the subscriber system for a single subscriber session.

30.   (Previously Presented) The method of Claim 25, further comprising modifying the availability guarantee value associated with the subscriber system for a predetermined time period.

31. (Previously Presented) The method of Claim 25, further comprising modifying the availability guarantee value associated with the subscriber system responsive to a request from the subscriber system.

32.   (Currently Amended)   A method for connecting to a digital subscriber line (XDSL) communication server comprising:

requesting XDSL service from an XDSL communication server having a first modem pool and a second modem pool;

receiving XDSL service from the communication server based upon an assigned availability guarantee value, wherein the assigned availability value specifies a selected one of the first modem pool and the second modem pool; and

requesting to modify the assigned availability guarantee ~~value.~~ value;

wherein:

the first modem pool comprises a first number of modems;

the second modem pool comprises a second number of modems; and

a first ratio of a number of subscriber systems having an availability guarantee value specifying the first pool of modems to the first number of modems is smaller than a second ratio of a number subscriber systems having an availability guarantee value specifying the second pool of modems to the second number of modems.

33.   (Previously Presented)   The method of Claim 32, wherein requesting to modify the assigned availability guarantee value comprises requesting to modify the assigned availability guarantee value for a single subscriber session.

34.   (Previously Presented)   The method of Claim 32, wherein requesting to modify the assigned availability guarantee value comprises requesting to modify the assigned availability guarantee value for a predetermined time period.

35.   (Canceled)

36.   (Canceled)

37.   (Currently Amended)   The method of ~~Claim 36~~ Claim 32, wherein the first ratio is equal to one.

38. (Currently Amended) ~~The digital~~ A digital subscriber line (XDSL) communication server comprising:

a first pool of modems having a first number of XDSL modems;

a second pool of modems having a second number of XDSL modems; and

an interface coupled to the first pool of modems and the second pool of modems, wherein the interface selectively couples a subscriber system to a modem in either the first pool of modems or the second pool of modems based upon an availability guarantee value associated with the subscriber ~~system.~~ system;

wherein a first ratio of a number of subscriber systems having an availability guarantee value specifying the first pool of modems to the first number of modems is smaller than a second ratio of a number subscriber systems having an availability guarantee value specifying the second pool of modems to the second number of modems.

39. (Canceled)

40. (Currently Amended) The communication server of ~~Claim 39~~ Claim 38, wherein the first ratio is equal to one.

41. (Previously Presented) The communication server of Claim 38, operable to modify the availability guarantee value associated with the subscriber system for a single subscriber session.

42. (Previously Presented) The communication server of Claim 38, operable to modify the availability guarantee value associated with the subscriber system for a predetermined time period.

43. (Previously Presented) The communication server of Claim 38, operable to modify the availability guarantee value associated with the subscriber system responsive to a request from the subscriber system.

44.   (Previously Presented) The communication server of Claim 38, wherein the interface selectively couples the subscriber system to the available modem in response to a request for service from the subscriber system.

45. (Currently Amended) A digital subscriber line (XDSL) communication server comprising:

means for determining an availability guarantee value assigned to a subscriber;

means for selecting one of a first modem pool and a second modem pool based on the availability guarantee value, wherein the first modem pool comprises a first plurality of XDSL modems and the second modem pool comprises a second plurality of XDSL modems; and

means for coupling the subscriber to a modem in the selected modem ~~pool.~~ pool;

wherein a first ratio of a number of subscriber systems having an availability guarantee value specifying the first pool of modems to the first number of modems is smaller than a second ratio of a number subscriber systems having an availability guarantee value specifying the second pool of modems to the second number of modems.

46. (Previously Presented) The communication server of Claim 45, further comprising means for receiving a request for XDSL service from the subscriber.

47. (Canceled)

48. (Currently Amended) The communication server of ~~Claim 47~~ Claim 45, wherein the first ratio is equal to one.

49. (Previously Presented) The communication server of Claim 45, further comprising means for modifying the availability guarantee value associated with the subscriber system for a single subscriber session.

50. (Previously Presented) The communication server of Claim 45, further comprising means for modifying the availability guarantee value associated with the subscriber system for a predetermined time period.

51.   (Previously Presented)   The communication server of Claim 45, further comprising means for modifying the availability guarantee value associated with the subscriber system responsive to a request from the subscriber system.